

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

IRON WORKERS DISTRICT COUNCIL
OF SOUTHERN OHIO & VICINITY
BENEFIT TRUST, *et al.*,

Plaintiffs,

Case No. 3:15-CV-248

vs.

JAMES R. LAUER, *et al.*,

District Judge Thomas M. Rose
Magistrate Judge Michael J. Newman

Defendants.

ORDER

This case came before the Court for a judgment debtor examination on on May 19, 2017. Andrew Wittman, owner of judgment debtor GHG Construction, LLC, appeared for said examination but did not bring any documents. At that time, Mr. Wittman, in open Court, agreed to make a good faith effort to locate documents responsive to the Court's Order (doc. [43]) and to provide them to counsel for the judgment creditor forthwith. The Court approved the parties request to give Mr. Wittman 30 days to search for and produce responsive documents.

Based upon this agreement of the parties, for good cause shown, and in the interests of justice, the Court **ORDERS** Mr. Wittman to make all efforts to find and produce documents responsive to the following on or before **July 31, 2017**:

1. Complete, current, and accurate lists, schedules, and records of Judgment Debtor GHG's outstanding notes receivable, accounts receivable, and all other receivables, which records indicate, among other things, the amounts owing thereon and from whom such amounts are owing;
2. Complete, current, and accurate lists, schedules, and records of Judgment Debtor GHG's equipment, motor vehicles, furniture, inventory, furnishings, supplies, and other tangible assets of every kind and

description, whether real or personal, current depreciation schedules, if any, relating thereto, and complete, current, and accurate lists of liens or other encumbrances thereon;

3. Complete, current, and accurate lists, schedules, and records of Judgment Debtor GHG's stocks, bonds, shares, or interest in all liquid assets or other similar funds, shares or interests in all mutual funds, proprietorship interests, general or limited partnership interests, and all other intangible assets and the corresponding values assigned thereto;
4. Complete, current, and accurate copies of profit and loss statements, income statements, capital statements, balance sheets, and other such similar documents, regardless of how the same may be designated for accounting purposes, relating to every sole proprietorship, and every business concern or venture in which Judgment Debtor GHG, is or has been within the past three (3) years a general or limited partner or a holder of five percent (5%) or more of the outstanding stock of said concern;
5. Complete and accurate copies of Judgment Debtor GHG's federal state(s), and local income and state(s) and local personal property tax return, which Judgment Debtor GHG has or should have filed with the appropriate government authorities for its four (4) most recent taxable years;
6. Complete, current, and accurate lists, schedules, and records indicating Judgment Debtor GHG's place or places of banking, the types of bank accounts (savings, checking or similar bank accounts) and the account numbers and designations of authority relating thereto, as well as any bank statements, passbooks, checkbooks, cancelled checks, or other related documents for each bank account. As used herein, the term "bank accounts" shall also include all certificates of deposit, savings bonds, and similar instruments, as well as safe deposit boxes and lists, schedules, and records of the contents thereof;
7. Complete, current, and accurate lists, schedules, and records indicating any and all leases of or deeds to real estate with respect to which Judgment Debtor GHG is a lessor, lessee, or owner, whether in whole or in part;
8. Complete, current, and accurate lists, schedules, and records that show direct or indirect interest in insurance policies, including names of insurance companies issuing each policy and an itemization of surrender of cash value of each in which the Judgment Debtor GHG has or had an interest;
9. Complete, current, and accurate lists, and records of personal property owned by Judgment Debtor GHG;

10. Complete, current, and accurate lists, schedules, and records of financial accounting reports and reports filed by Judgment Debtor GHG with the secretary of state's office or any other governmental entity;
11. Complete, current, and accurate lists, schedules, and records establishing Judgment Debtor GHG's sources of income;
12. Complete, current, and accurate lists, schedules, and records of all loans Judgment Debtor GHG obtained from any institutions or individuals, including insurance companies including any documents showing the co-makers, endorsers, or guarantors of said loan(s) and current, and accurate lists, schedules, and records of all loans Judgment Debtor GHG gave to any person or entity;
13. Complete, current, and accurate lists, schedules, and records of any property or equipment purchased on an installment basis;
14. Complete, current, and accurate lists, schedules, and records establishing the existence of property which Judgment Debtor GHG owns an interest which is held by a third party;
15. Complete, current, and accurate lists, schedules, and records indicating any and all bids and contractors for construction work (be it as a general, prime, or subcontractor) prepared by Judgment Debtor GHG during the last three (3) calendar years; and
16. Complete, current, and accurate copies of any consulting, independent contracting, advising, or any other such contract or agreement that Judgment Debtor GHG has entered into with another party to provide services to another person, entity, corporation, or business of any kind over the last three (3) calendar years.

Mr. Wittman should provide these documents directly to counsel for the judgment creditors:

Matthew Hurm, Esq., Faulkner, Hoffman & Phillips, LLC, 20445 Emerald Parkway Drive, Suite 210, Cleveland, OH 44135. Should the judgment creditors desire to continue the Debtor Examination of Mr. Wittman held on May 19, 2017 -- or desire further action by the Court -- they may seek appropriate relief from the Court.

IT IS SO ORDERED.

Date: July 10, 2017

s/Michael J. Newman
Michael J. Newman
United States Magistrate Judge